

1905-041 Chancery Causes. James Nye vs. Sarah C. Nye to
Lee Co.

Niles, Smith, Wilder

1 Plat

CA-Estate Dispute
T-Property

VIRGINIA, LEE CIRCUIT COURT;

To the Hon. H.A.W. Skeen, Judge of the said Court:-

Humbly complaining, your orator, James Noe, would respectfully represent and show unto your honor, that on the 24th day of July, 1904, Duncan B. Noe, a citizen of said county departed this life intestate, seized and possessed of a tract of land containing 101 1/2 acres more or less, lying and being in said county on Powell's River adjoining the lands of M. B. Wygal, Henry Davidson and others, which decended to his widow, Sarah C. Noe, and the following children and heirs at law. of said intestate, to-wit: Wm. Noe, Mary Miles, nee Noe and wife of Robert Miles, Allen Noe, Ann Smith nee Noe, and wife of Adam Smith, David F. Noe, Luvenia Wilder nee Noe, and wife of John Wilder, Mattie Noe and Thomas Noe and your orator; that the said tract of land is susceptible of being partitioned among the said heirs. The object, therefore, of this suit is to have a dower assigned to said widow in the said tract of land, and the said land partitioned among the said heirs according to their interests therein, which interests are equal. To this end your orator makes the said widow and heirs parties defendants to this bill, and asks that they be required to answer the same, but not on oath, answering on ~~oath~~ being waived; that commissioners be appointed to assign said dower and partition the said tract of land among the heirs of the said intestate; that an order of publication be made, posted and published against the said Wm. Noe, Allen Noe and David F. Noe, who are non-residents of this State; and that a guardian ad litem be appointed to appear and answer for the said Mattie Noe and Thomas Noe who are infants under twenty-one years of age; *that the costs of this suit be born equally by said heirs including an atty's fee to* that on a hearing your honor will grant to your orator all such other, further and general relief as he may be entitled to in the premises, And your orator will ever pray &c.

On & Noel. atty.

Tested and sworn to as part of the costs of this suit.

*Amended by
12-5-02*

James Nae.
 vs Bill in Chancery.
 Sarah C. Nae et als.

1904, August 3

Bill filed v O.P.
 " 2nd Aug Rules.
 Spa executed on home
 depts. G.A.L. appointed
 for infant depts. v
 Their answer filed.
 " 1st Sept. Rules.
 D.N. confirmed v
 Continued for O.P.
 " 2nd Sept. Rules.
 O.P. completed v cause
 set for hearing Plaintiff

Costs:

Clerk	\$12.60	Paid.
Shff.	2.00	Paid.
Tax.	1.50	
Atty.	25.00	Paid.
Printer	6.40	Paid.
G.A.L.	5.00	Paid.
	<u>\$52.50</u>	Paid.
C.C. Elliott	10.00	Paid.
H.R. Snodgrass	5.00	Paid.
Cl. Knapf Flanary	5.00	Paid.
Robert Stogdson	4.00	Paid.
Jas Roe	4.00	Paid.
John Wilder	4.00	Paid.
Adam Smith	4.00	Paid.
Sarah C. Roe	5.00	Paid.
	<u>\$73.50</u>	

by Blakemore.

In the Circuit Court for the County of Lee,
to wit:

THE ANSWER OF Martha Mae and Thomas Mae

infants under the age of twenty-one years, by M. G. Ely,
guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against
them and others in the Circuit Court for the County of
Lee, by James Mae and others.

The respondents, reserving to themselves the benefit of all just exceptions to the said bill, for
answer thereto, answering by said guardian *ad litem*, say that they are infants of tender
years, and by reason of such disability are incapable of understanding, or of taking care of their
rights and interests, they therefore commend the same to the protection of the court, and prays that
no decree may be pronounced which will tend to their prejudice.

And having answered, the respondent pray to be hence dismissed with their reasonable costs,
in this behalf expended; and they will ever pray, &c.

M. G. Ely Guardian *ad litem*.

p. d.

County
OF
Lee } ss.

This day, M. G. Ely, whose name is signed to
the foregoing answer, personally appeared before me, N. C. J. Ewing, Clerk—
and made oath that the statements made therein, so far as they depend upon his own knowledge, are true,
and so far as they depend upon knowledge derived from others he believes them to be true.

Given under my hand, this 8th day of August 1904-189

N. C. J. Ewing Clerk

Larch to Noel and others

adv. } ANSWER
OF
INFANT DEFENDANT.

James Noel

Filed Aug. 15th 1904
J. H. Ewing
Clerk

Fee \$5⁰⁰

James Noe,

Plaintiff

vs.

In Chancery

Sarah C. Noe, et al,

Defendants.

This cause came on again to be heard upon the papers formerly read in the cause, and the report of C. C. Elliott, W. R. Snodgrass and Elcaner Flanery, commissioners appointed at the last term of the court to partition the lands in the bill mentioned formerly owned by Duncan B. Noe, deceased, which report was filed in the cause March 25th, 1905, and was argued by counsel. And the said report being unexpected to, it is adjudged, ordered and decreed that the same and the plat therewith be and are hereby confirmed. And that Sarah C. Noe, widow of the said decedent take and hold during her natural life, as and for her dower in the said land, the same as laid off and assigned to her by said commissioners in said plat and report, containing twenty-three acres more or less, according to the meets and bounds as therein designated; that David F. Noe take and hold in fee simple, lot No. 1, which was laid off and assigned to him by said commissioners according to the meets and bounds as therein designated as his interest in said land containing fifteen acres, more or less; that Thomas Noe take and hold in fee simple lot No. 2 as laid off and assigned to him by said commissioner according to the meets and bounds shown in said plat and report, containing fifteen acres, more or less; that Allen Noe take and hold in fee simple Lot No. 3 according to the meets and bounds as designated in said plat and report, and containing fifteen acres more or less; that Luvena Wilder wife of John Wilder take and hold in fee simple lot No. 4 according to the meets and bounds as designated in said plat and report, containing fifteen acres, more or less; that Ann Smith wife of Adam Smith take and hold in fee simple, lot. No. 5 according to the meets and bounds designated in said plat and report, containing ten acres, more or less; That Mary Miles, wife of Robert Miles, take and hold in fee simple, lot No. 6 according to the meets and bounds as designated in said

(2)

plat and report, containing ten acres, more or less; that Mattie Stapleton, nee Noe, take and hold in fee simple, lot. No. 7 as designated by the meets and bounds in said plat and report~~m~~ containing eight acres, more or less; that James Noe, the plaintiff, take and hold lot. No. 8 in fee simple, according to the meets and bounds designated in said plat and report, and containing eight acres, more or less; That William Noe, take and hold in fee simple, lot. No. 9 according to the meets and bounds designated in said plat and report containing ten acres, more or less, and that each of said heirs have free access to the water on said land, which is on the side of the road as provided in said report. And it is further adjudged, ordered and decreed that the said David F. Noe, Thomas Noe, Allen Noe, Luvena Wilder, Ann Smith, Mary Miles, Mattie Stapleton, James Noe, and Wm. Noe, each pay one-hinth of the cost of this suit to be taxed by the clerk, and for which execution may issue, and which one-ninth of said cost is hereby made a lien upon the interest of each of said heirs in said land, and that the said plat and report of said commissioner together with the decree appointing said commissioners, and this decree be recorded by the clerk of this court in the deed book in his office kept for that purpose, and nothing further remaining to be done in this cause the same is ordered to be stricken from the docket. Virginia, Lee County, to-wit:

In the Clerk's office of Lee County, on this the 29th day of May, 1905. The foregoing decrees and Commissioner's Report were presented, and admitted to record.

Teste: _____

H. A. Ewing Clerk.

James Nab
Decree Final
Sarah C Nab et al

Entered in C.O.B.
No. 8 Page 14 re-

Recorded in
Deed Book No.
42 Page 3 5-71
+ C. Examined

May 29, 1905
Indexed

Enter this decree
Hawson
May 15-1905

~~LEE CIRCUIT COURT.~~

James Noe

Plaintiff.

vs

In Chancery

Sarah C. Noe, *et al* -

defendants.

This cause came on to be heard upon the bill of the plaintiff, the process duly executed on the home defendants, the answer ^{of} the infant defendants by M. G. Ely, their guardian ad litem, and replication thereto, the order of publication duly made, posted and published against the non-resident defendants as required by law, and the cause regularly matured at rules, and set for hearing by the plaintiff, and was argued by counsel.

On consideration thereof, and the adult defendants failing to appear and demur, plead or answer, the bill is taken for confessed against them. And it is adjudged, ordered and decreed that C. C. Elliott, Elkanah Flanary and W. R. Snodgrass, here ^{by} appointed commissioners for the purpose, do go upon the lands in the bill mentioned and lay off and assign to Sarah C. Noe, the widow of Duncan ^B Noe, deceased / her dower in the said real estate ^B and that they partition the said lands among the heirs of the said Duncan Noe deceased in equal portions as follows:- To Wm. Noe one ^{Knuth} ~~one-eighth~~ thereof; ^{to James Sal one ninth thereof} in value; to Mary Miles wife of Robert Miles, one ^{Knuth} ~~one-eighth~~ thereof; to Allen Noe one ^{Knuth} ~~one-eighth~~ thereof; to Anne Smith, wife of Adam Smith, one ^{Knuth} ~~one-eighth~~ thereof; to David F. Noe one ^{Knuth} ~~one-eighth~~ thereof; to Luvenia Wilder, wife of John Wilder, one ^{Knuth} ~~one-eighth~~ thereof, ^{and} to Mattie Noe one ^{Knuth} ~~one-eighth~~ thereof, and to Thomas Noe the remaining one ^{Knuth} ~~one-eighth~~ thereof, quantity, quality, ways, water &c. being considered by said commissioners, and if it can be done without material injury to the ^{interests} of the other heirs the shares of Mattie Noe and Thomas Noe ^{will} be laid off adjoining each other. Said commissioners will make a platt and report of their said partition and file the same with the papers of the cause, and the cause is continued.

James Vae
v3 { Decree to 1.
3
Sarah C Vae et al.

Entered C.O.B.
No. 7 page 546

Recorded in
Dead Book No.
42 page 571.
1

Enter this Decree.

~~James Vae~~

Decr 12" 1904.

James Noe

Plaintiff

vs.

In Chancery

Sarah C. Noe, et al/

Defendants.

This cause came on to be heard upon the bill of the plaintiff, the process duly executed on the home defendants, the answer of the infant defendants by M. G. Ely, their Guardian Ad Litem, and replication thereto, the order of publication duly made posted and published against the non-resident defendants as required by law, and the cause regularly matured at rules, and set for hearing by the plaintiff, and was argued by counsel.

On consideration thereof, and the adult defendants failing to appear and demur, plead or answer, the bill is taken for confessed against them. And it is adjudged, ordered and decreed, that C. C. Elliott, Elkanah Flanary, and W. R. Snodgrass, hereby appointed commissioners for the purpose, do go upon the lands in the bill mentioned and lay off and assign to Sarah C. Noe, the widow of Duncan B. Noe, deceased, her dower in the said real estate, and that they partition the said lands among the heirs of the said Duncan B. Noe, deceased, in equal portions as follows: To William Noe, one-ninth thereof in value, to James Noe One-ninth thereof; to Mary Miles, wife of Robert Miles, one-ninth thereof, to Allen Noe one-ninth thereof; to Ann Smith wife of Adam Smith, one-ninth thereof; to David F. Noe, one-ninth thereof; to Luvenaa Wilder, wife of John Wilder, one-ninth thereof, to Mattie Noe one-ninth thereof, and to Thomas Noe- one-ninth thereof/ quantity, quality, ways, water &c., being considered by said commissioners, and if it can be done without material injury to the interest of the others heirs, the shares of Mattie Noe and Thomas Noe will be laid off adjoining each other. Said commissioners will make a plat and report of their said partition and file the same with the papers of the cause/ and the cause is continued.

James Val.
1033 Decree to 1.
13
Sarah C. Val et al.

Enter this decree.

Decr 1904.

To the Honorable H. C. Starn Judge of the Circuit
Court of Lee County Virginia
In the cause styled

James Roe. Opp.

V.S. the Chancery

Sarah G. Roe et al Deft.

We your Commissioners appointed by your Honor
and an order dated 12th day of December you
directing us to go upon the land in the Bill
mentioned, and partition the same between those
entitled thereto. We proceeded on the 3rd day of
March 1905 to comply with said order, and
beg leave to report as follows.

We first surveyed the land beginning at a white oak
on a ridge at figure one, and marked beginning on
the North thence N 71° E 14 poles to a stone Henry Davidsons
corner and with his lines S 37° W 84 poles to a stone
S 17° W 21 poles to a dogwood S 11½° W 6 poles to a stone and cedar
S 57½° W 59 poles to a Poplar and two chestnuts S 3½° E 70
poles to two Sugar trees and a Poplar on the bank of Graves
River thence up the same S 10° E 34 poles to a stake in
the Harvlin line thence leaving the River and
with the Harvlin line N 89½° E 107 poles to a Hickory
Blakemore's corner thence with his lines N 7½° E 103 poles
to two corner woods and Spanish Oak. N 4° E 87 poles
to the beginning containing 104 Acres more or less.
We then proceeded to lay off the Dower to the
widow Sarah G. Roe, which is represented

on the Plat by the Black and Red lines and marked
Dower. Beginning at a Whiteoak at figure one and
marked Beginning Thence $N 71^{\circ} E 14$ poles to a Stone
Henry Davidson's corner with his line $S 37^{\circ} W 31$ poles
to a Stake and Hickory on the east side of the Mericane
Road opposite the Mouth of the Lane Thence South 8° West
 96 poles to a Stake near a Hickory Thence $N 57^{\circ} E 40$ poles
to a Stone on Blakemore's line and with the same $N 7^{\circ} E 23$
poles to two Sowerwoods and a Spanioak $N 41^{\circ} W 57$ poles
to the Beginning containing 23 Acres more or less.
which includes the Manson House and buildings and
part of the Orchard.

We then layed off and assigned to David F. Noe
Lot No. 1. which is designated by the figures and small
letters 1, 2, a, b. Beginning at a Whiteoak at figure one
 $N 71^{\circ} E 14$ poles to a Stone Davidson's corner at 2 $S 37^{\circ} W 80$ poles
to a Stone at a. $N 57^{\circ} E 62$ poles to a Stone at b. on Blakemore's
line and with the same $N 41^{\circ} W 40$ poles to the Beginning
containing 15 Acres more or less and embraces part
of the Dower.

We layed off and assigned to
Thomas Noe. Lot No. 2 including part of Dower
and is Designated by the figures and letters 3, 4, a, b, c.
Beginning at a Stone and bed of Davidson's corner in the
Lane. $S 85^{\circ} E 72$ poles to a Stone at c. in Blakemore's line $N 7^{\circ} E 23$
7 poles to two Sowerwoods & Spanioak $N 41^{\circ} W 30$ poles to a
Stone at d. a corner to Lot No. 1. and with the same $S 37^{\circ} W 42$
poles to a. in Davidson's line $S 37^{\circ} W 6$ poles to a Stone at b.

S 17 1/4 W 21 poles to a stone at H. S 11 1/2 W 4 poles to the Beginning containing 15 acres more or less.

We layed off Lot No 3. to Allen Voss and is represented by the figures and letters b. c. d. e. c. beginning part of corner Beginning on a stone and cedar Henry Danderson corner S 49 1/2 W 57 poles to a Poplar and two chestnuts at c. stone S 3 1/2 E 2 1/2 poles to a stone at d. N 88 1/2 E 125 poles to a stone at e. on Blakemore line. N 7 1/2 E 17 poles to c. a corner to lot No 2 with the same. N 57 W 72 poles to the Beginning containing 15 acres more or less.

We layed off and assigned to Lot No 4. to Luvena Wilder wife of John Wilder. which is designated by the letters d. g. f. e.

Beginning at a stone at d. S 3 1/2 E 22 poles to g. a stone N 7 1/2 E 122 poles to a stone at f. in Blakemore line. N 7 1/2 E 18 1/2 poles to a stone at e. a corner to lot No 3. and with the same S 88 1/2 W 125 poles to the Beginning containing 15 acres

more or less. We layed off and assigned Lot No 5 to Anne Smith wife of Adam Smith and is designated by the letters g. i. h. f. Beginning at g. a stone S 3 1/2 E 12 1/2 poles to i. N 89 1/2 E 9.0 poles to a stone on the east bank of the Pot S 7 1/2 E 2 poles along the Road N 89 1/2 E 2 poles N 3 W 3 poles. to a stone this offset is to give more yard to the House that is on this lot Thence N 89 1/2 E 27 poles to a stone at h. in Blakemore line N 7 1/2 E 13 poles to f. S 89 1/2 W 122 poles to the Beginning containing 10 acres more or less. This lot includes a House.

We layed off and assigned Lot No 6. to Mary Miles wife of Robert Miles. and is designated by the letters i. j. k. h. Beginning on a stone at i. S 3 1/2 E 13 1/2 poles to j. a

Poplar and two Sugarloaves on the bank of Powell's River
Thence $N 89 \frac{1}{2}^{\circ} E 117$ poles to a stone at L. in Blakemore
line. $N 7 \frac{1}{2}^{\circ} E 13 \frac{1}{2}$ poles to a stone at L. a corner to Lot No 10
and with the same $S 89 \frac{1}{2}^{\circ} W 122$ poles to the Beginning
Containing 10 acres more or less.

We layed off and assigned to Mattie Noel Lot No 7
and is Designated by the letters j. on L. Beginning on a
Poplar and two Sugarloaves at 7. and j on the bank of
Powell's River Thence up the River $S 10^{\circ} E 11$ poles to a stone
at L. M. 2. $N 89 \frac{1}{2}^{\circ} E 113$ poles to a stone at L. in Blakemore
line $N 7 \frac{1}{2}^{\circ} E 11$ poles to a stone at L. a corner to Lot No 6
and with the same $S 89 \frac{1}{2}^{\circ} W 117$ poles to the Beginning
Containing 8 acres more or less.

We layed off and assigned to James Noel Lot
No 8. and is Designated by the letters m. on L.
Beginning on a stone at m. on the bank of Powell's River
Thence up the River $S 10^{\circ} E 8 \frac{1}{2}$ poles to a stone at m.
 $N 8 \frac{1}{2}^{\circ} E 86$ poles to a stone on the side of the hill near
the House. Then passing around the House so as to
include the House on this Lot. $S 6 \frac{1}{2}^{\circ} W 4$ poles and 14 links
to a stone. $N 89 \frac{1}{2}^{\circ} E 3$ poles and 4 links to a stone at the edge
of the Road Thence along the edge of the same $N 6 \frac{1}{2}^{\circ} E$
4 poles and 14 links to a stone $N 89 \frac{1}{2}^{\circ} E 22$ poles to a stone
at L. in Blakemore line $N 7 \frac{1}{2}^{\circ} E 8 \frac{1}{2}$ poles to L. a stone
and a corner to Lot No 7. $S 89 \frac{1}{2}^{\circ} W 113$ poles to the
Beginning, Containing 6 acres more or less,
We layed off and assigned to Mattie Noel.

Lot No 7. and is Designated by the letters and
 Figures N. 8 9. a. Beginning on a stone at a corner
 Bank of Powell River a corner to Lot No 8. S 10 E
 19 poles to a stone on the Hamlin line, and with
 the same N 87 E S 107 poles to a blackberry plantation
 corner, at 7. 28 7 1/2 S 19 poles to a stone at a corner to
 Lot No 10 S 89 1/2 W 22 poles to a stone on west side of
 the Road. S 4 1/2 W 4 poles and 14 Links to a stone there
 leaving the Road S 89 1/2 W 3 poles and 6 links passing below
 the House to a stone at 6 1/2 E 4 poles and 10 Links to a stone
 S 89 1/2 W 85 poles to the Beginning containing 10 acres
 more or less. The Mexican Road passes through
 all of the shares which gives all of the heirs ingress
 and egress to their lands. all of the heirs is to have
 free access to the water which ^{is} on the side of the
 Road. We file a Diagram herewith making
 it a part of our Report all of which is
 Respectfully Submitted.

L. E. Elliott
 W. R. Sanderson } Com-
 Elmer Flanagan }

of
 Dec.
 L. E. Elliott
 Com. 42 \$100
 W. R. Sanderson
 Com. 500
 Elmer Flanagan
 Com. 200
 Robert Stoddard
 Com. 400
 James W. Roe
 Com. 110
 John W. Miller
 Com. 110
 Adam Smith
 Com. 400
 Samuel C. Roe
 for Bond 500
 Total \$41.00

James Roe,
vs. } Comr's
Report.

Sarah C. Noe, et al

Filed Mar. 25, 1905.

H. V. Goring Clk.
By M. E. Henry, Jr. D.C.

James W Orr

1905: To collections in Nae case, Partition Suit.

May 20 From Robert Stapleton - James B Nae's share \$10.40

Mary Niles " 10.40

Matthi Stapletons " 10.40

Robert Stapleton retained as chairman \$4.00

From Sam Smith - Ann Smith's share 10.40

Sam Smith retained as chairman. 4.00

From James B Nae - David H Nae's share 10.40

James B Nae - retained as chairman 4.00

From James B Nae - For Lumenia Nibler's share. 10.40

James B Nae - retained for John Nibler 4.00

From Allen Nae - by David H. Nae his share 10.40

June 3rd From - J. J. Blakenmore - Mrs Nae's share. 10.40

all had paid E. Flannery comm. 5.00

Paid Sarah B Nae, Bards hill 5.00

\$26.00 \$83.20

Retained atty's fee Orr & Nae

26.00

Paid E. C. T. Ewing clerk.

12.60

" Vicars Printers fee

6.40

" M. G. Ely. G. & L.

5.00

\$75.00

Get to pay. Shff 2.00

Lux 1.50

Elliot Comr 10.00

Snodgrass " 5.00

18.50

Get in Orr's hands.

8.20

Thos Nae infants share not pd 10.40

18.60

1906 June 30 Mrs Sarah B. Nae paid Thomas part to Orr. \$10.00

Paid Elliot Comr, his fee

10.00

Lore paid Shff.

2.00

" " Lux.

1.50

" " Snodgrass Comr.

5.00

\$18.50

James C. Voe.
vs. Collection of Casts.
By
Sarah C. Voe et al.

1905.
Mr -

James Vae.
To W. R. Snodgrass, Commissioner, Dr
To services in partitioning the lands
of Duncan B. Vae, deceased. \$5.00

Received of James W. Orr, atty, Five dollars,
the above amount due me as Commissioner,
in the above partition, of Duncan B. Vae's
land. February 8th 1906.

W R Snodgrass

James Vae.

To } Fee \$5.00

W. R. Snodgrass.

Received of James W. Orr, ^{attys.} five dollars the
amount due me for ~~hand~~ bill of costs
in the partition of the Duncan B. Not
land. May 2^d 1905.

Sarah C. Roe

J. J. Blakemore for the last Int
 paid J. J. Blakemore \$ 5.00
 " J. H. Orr. June 5th 1905. 5.40
 \$ 10.40

95.50
 10.40
 93.60

May 20th 1905-

Robert Shepleton, Diab

James B. 10.40
 Mrs Miles 10.40
 Mrs Shepleton 10.40
 \$ 31.20

Returned as chairman

Cash. \$ 27.20

May 22nd 1905-

Lydia Smith by John 10.40
 Paid for John Thayer 4.00
 Cash 6.40

David H. by James B.

10.40
 Paid for J. B. chairman 4.00
 6.40

Lydia H. by John B. 10.40

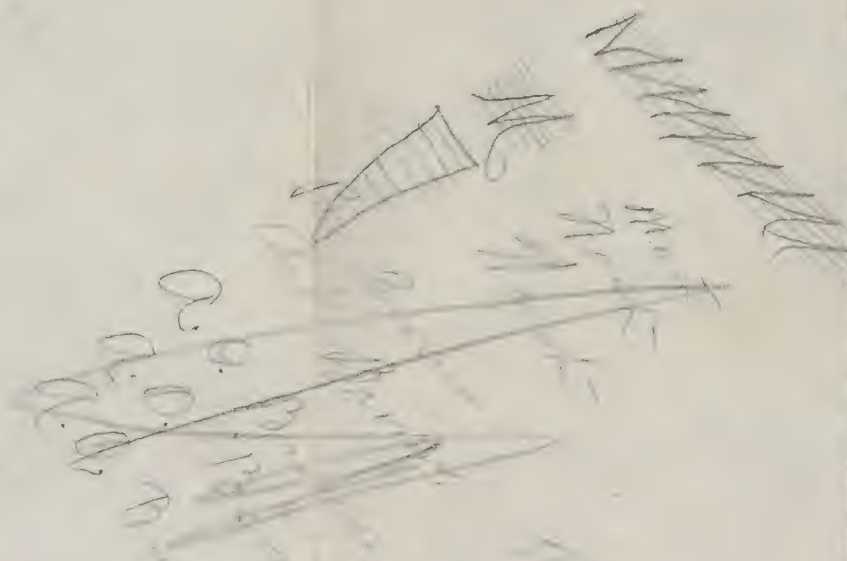
Paid for John H. 4.00
 6.40

Allen Lee by David H. 10.40
 (over)

Ice Casts.
Memo.

Sep 1, 1902 3
 1736.79
 20.00
 1716.79

6.00
 4.00
 10.00
 20.00



Paid for Ice and fuel \$5.00

In the Clerk's Office of the Superior Court of the County of
Lee on the 3rd day of August 1904,

James Roe Plaintiff
against

Sarah C. Roe et al
Defendant

The object of this suit is to have docket assigned to
Sarah C. Roe, widow of Duncan B.
Roe, deceased, and to have his real
estate partitioned among his heirs.

And an affidavit having been made and filed that the defendant Wm
Roe and David F. Roe are
not residents of the State of Virginia, it is ordered that they do appear here within 15 days
after due publication hereof, and do what may be necessary to protect their interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the News
or before the next rule day. and that a copy be posted at the front door of the court-house of this County
on the first day of the next term of the Court.

A copy—Teste:

Opp & Noel p. q.

Wm Ewing Clerk.

James Roe

vs.

ORDER OF
PUBLICATION.

Sarah C. Roe et al

Virginia, Lee County, to-wit:

I, H. L. Ewing, County Clerk
for Lee County, do certify that
I posted a true copy of the
within O.P. at the front
door of the Court House
of said County on this the
3rd day of Aug. 1904.

Given under my hand,
This 3rd day of Aug. 1904,
H. L. Ewing, Clerk.

In the Clerk's Office of the Circuit Court of the County of
Lee

James Roe Plaintiff
against

Sarah J. Roe et al Defendant

This day James W. Orr personally appeared
before me H. C. T. Ewing Clerk of the said Court,
and being duly sworn, made oath that James Roe, Alben Roe and
David F. Roe
defendant§ in the said suit are not resident§ of the State of Virginia,

Given under my hand as Clerk of the said Court, this 3rd day of Aug 1904

H. C. T. Ewing Clerk.

James Roe

vs.

}

AFFIDAVIT FOR ORDER

OF

PUBLICATION.

Sarah C. Roe, et al

Orr & Mord p. q.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Sarah C. Noe, H^m Noe, Mary Miles,*
Allin Noe, Ann Smith, David F. Noe, Lueria ^{Wilder} ~~Lee~~, Mat-
tie Noe and Thomas Noe

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held
for the said court, on the *3rd* Monday in *August* ^{*1904*} ~~1897~~, to answer a
bill in chancery exhibited against *Them* in our said court by *James*
Noe

And have then there this writ. Witness, *H. C. Ewing*
~~A. B. Munsey~~, Clerk of our said Court, at the
court-house, the *3rd* day of *August* ^{*1904*} ~~1897~~, and in the *12th* year of the
Commonwealth.

H. C. Ewing, Clerk.

James Noe
 vs. {
 SUBPOENA
 IN CHANCERY

Sarah C. Noe, et al

Orn & Noel p. q.

To 2nd Aug. Rules.
 Circuit Court.

Executed by delivering an
 attested office copy of the
 within writ, each to Sarah
 C. Noe, Mary Miles, John
 Smith, Lucretia Widen.
 Aug. 5th 1904.
 P. M. Ball. S. D. C.

Shff. fee \$2.00

CERTIFICATE OF Order of Publication.

James H. Eads Plaintiff.
Sarah C. Noel et al Defend't.

Fee \$ 6²⁰ Paid by _____

I, W. H. EADS, Editor of The Wise News, a newspaper published in the Town of Gladeville, County of Wise, and State of Virginia, do hereby certify that the attached Order of Publication was duly published once a week for four successive weeks in The Wise News, beginning on the 11th day of August, 1904
W. H. Eads

ORDERS OF PUBLICATION.

VIRGINIA: In the Clerks office of the Circuit Court of the County of Lee on the 3rd day of August 1904.

JAMES NOE Plaintiff

vs. } In chancery

SARAH C. NOE et al Deft.

The object of this suit is to have dower assigned to Sarah C. Noel, widow of Duncan B. Noel, deceased, and to have his real estate partitioned among his heirs, and an affidavit having been made and filed that the defendant Wm. Noel, Allen Noel and David F. Noel are not resident of the State of Virginia, it is ordered that they appear here within fifteen days after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Wise News and that a copy be posted at the front door of the courthouse of this county on or before the next rule day.

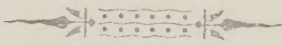
A Copy—Teste:

H. C. T. EWING, Clerk.

Orr & Noel p. q.

8-11-4t.

CERTIFICATE OF
Order of Publication,


James Nor Plaintiff.

vs.

Sarah C. Nor et al Defendant.

Fee \$ 6 40 Paid by _____